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ABSTRACT

The Wisconsin "Legislative Council Report to the 1973 Legislature on the Activities of the Menominee Indians Committee" covers the work of the Menominee Indian Study Committee (MISC), along with pertinent background information on the situation in Menominee County. A brief account of Menominee County with a more selective detailed account of major events and areas of concern within the county from 1970 to May 1973 is given. Also included are sections on restoration, economics and characteristics of the county, and MISC legislation. In addition to the sources listed in the bibliography, material in this report is based on assorted newspaper articles and information gained firsthand at MISC meetings and assorted Menominee meetings held in the county. (AH)

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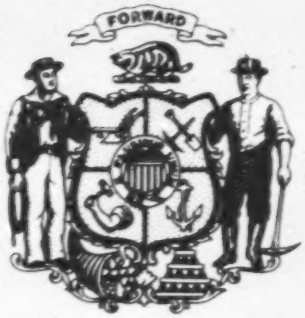

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REPORT TO THE 1973 LEGISLATURE

On The Activities Of The Menominee Indians Committee

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The State of Wisconsin

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September 1, 1973

To the Honorable,
Governor Patrick J. Lucey
and the Members of the
1973 Wisconsin Legislature

Pursuant to s. 13.81(3) of the Wisconsin Statutes, I am submitting to you the Legislative Council Report to the 1973 Legislature on the Activities of the Menominee Indians Committee. This report covers the work of the Committee, along with pertinent background information on the situation in Menominee County.

Respectfully submitted,

Fred A. Risser

Senator Fred A. Risser
Chairman

FAR:plj

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Faith Moulin, Researcher, Menominee Indian Study Committee

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LISTING OF ABBREVIATIONS

AIM	American Indian Movement
DRUMS	Determination of Rights and Unity of Menominee Shareholders
DBD	Wisconsin Department of Business Development
DH&SS	Wisconsin Department of Health and Social Services
EDA	U.S. Economic Development Administration
HEW	U.S. Department of Health, Education and Welfare
LOM	Lakes of the Menominees (Legend Lake)
MCEC	Menominee County Educational Committee
MCPSBE	Menominee County Parents and Students for Better Education
MCWRO	Menominee County Welfare Rights Organization
MDC	Menominee Development Corporation
MEI	Menominee Enterprises, Inc. (Enterprises)
MISC	Menominee Indian Study Committee
NARF	Native American Rights Fund
NHSC	National Health Service Corps
NPS	National Park Service
NWRPC	Northeastern Wisconsin Regional Planning Commission
OEO	U.S. Office of Economic Opportunity
VDC	Visitors Destination Center
VIE	Victory Through Indian Education

REPORT TO THE 1973 LEGISLATURE ON THE
ACTIVITIES OF THE MENOMINEE INDIANS COMMITTEE

SUMMARY OF RECOMMENDED LEGISLATION

The Menominee Indian Study Committee approved the following bills which were introduced in the 1973 Legislature:

1. Senate Bill 122, relating to state aid for salaries of certain home school coordinators for Indian students.

2. Senate Bill 123, relating to preservation of the Wolf River as a scenic area.

3. Senate Bill 124, relating to the posting of sustained yield forest lands with 2 signs per 1,000 acres.

4. Senate Bill 125, relating to permitting the entry of certain lands into the sustained yield forest land designation.

5. Senate Bill 126, relating to the posting of land in Menominee County which is adjacent to state and county highways.

6. Senate Bill 127, relating to the posting of sustained yield forest lands each mile along public highways and at entrances to private roads.

7. Senate Bill 128, relating to state aid for excessive health costs in small counties.

8. Senate Bill 129, relating to revision of the Indian relief program and extension of Indian relief to Indians residing in Menominee County.

9. Senate Bill 130, relating to altering membership, and the method of selection of members of the Menominee Indian study committee.

10. Senate Bill 131, relating to the restriction on the sale of Menominee Indian tribe corporation securities.

INTRODUCTION

In 1954, Congress passed P. L. 83-399, the Menominee Termination Act. 1/ [Footnotes are found at the end of the report.] The purpose of this act was to end the trust relationship between the federal government and the Menominee Indian Tribe. The following year, the Wisconsin Legislature created the Menominee Indian Study Committee (MISC) as a committee of the Legislative Council in order to assist the tribe in its transition from federal to local control. 2/ One of the primary functions of the Committee was to help the tribe develop a plan for future control of tribal property and service functions under the federal government's supervision.

A plan for termination was submitted and subsequently approved by the United States Department of the Interior. 3/ State legislation implementing the plan was enacted in 1959 and took effect on May 1, 1961, after the federally approved plan had been published. 4/

The major portion of Wisconsin's enabling legislation--Ch. 259, Laws of 1959--involved the creation of Menominee County. By virtue of this act, provisional county status was granted to the former Menominee Indian reservation. However, this status was subject to legislative review in 1965 and 1969. It was provided in SEC. 42 of Ch. 259 that unless the act creating the county was specifically repealed, county status would be permanent. To assist in its determination, comprehensive reports on the status of the county and committee recommendations were submitted to the legislature. For further information, see Wisconsin Legislative Council 1965 Report, Vol. III, Report of the Menominee Indian Study Committee and Wisconsin Legislative Council 1969 Report, Vol. VIII, Report of the Menominee Indian Study Committee. Because Ch. 259, Laws of 1959, was not repealed by the 1969 Legislature, county status for Menominee became permanent.

Since 1969 the Committee has developed legislation relating to Menominee County and the Menominee people. The Committee has also studied and recommended legislation affecting all of Wisconsin's tribes. For a summary of Committee activities from 1969 through

March 12, 1971, see Chapter 12 of the Wisconsin Legislative Council 1971 General Report. Subsequent to the 1971 Report, the Committee has held 5 meetings, as follows:

May 25, 1971	Madison
January 6, 1972	Keshena
May 19, 1972	Keshena
December 15, 1972	Madison
February 16, 1973	Shawano

In addition, 2 reports on specific subjects have been submitted to the MISC. They are, Legislative Council IB-72-6, Report to the Menominee Indian Study Committee on Menominee Indian Tribe State Legislation 1955-1971 (May 5, 1972) and Report to the Menominee Indian Study Committee on the Menominee Enterprises, Inc. 4% Income Bonds (December 29, 1971).

This report consists of a brief account of Menominee County with a more detailed account of activities within the county from 1970 to May, 1973. Also included are sections on restoration, economics and characteristics of the county and MISC legislation. This report is not intended to be totally comprehensive but rather a selective review of major events and areas of concern.

In addition to sources listed in the bibliography, material in this report is based on assorted newspaper articles and information gained firsthand at MISC meetings and assorted Menominee meetings held in the county. This report is not a statement of the MISC nor is it intended to reflect a view of the Committee or the author.

PART I

MENOMINEE COUNTY
BRIEF BACKGROUND

Corporate Structure

At the time of termination, all Menominee tribal lands and assets were transferred to Menominee Enterprises, Inc. (MEI). Every enrolled Menominee received a voting trust certificate representing 100 shares of stock in the tribal corporation and a $3,000 income bond payable in the year 2000. Unlike the bonds, the stock is not held by individual Menominees but by the Common Stock and Voting Trust. The termination plan vested the trustees with the ownership of the stock and all rights, privileges and powers except those expressly prohibited in the plan. The 11 trustees, who are elected by the certificate holders, name the 12 members of the Board of Directors. The Board, in turn, selects the corporate officers. The main function of the Board is the management of the corporation.

Economic Status

Because all tribal lands and assets were transferred to the corporation, MEI became the major landowner and consequently the major taxpayer in the county. Burdened with an excessively high percentage of taxes [93% in 1962] MEI has been unable to expand in the county. It has been the company's responsibility to provide jobs and income to the residents. Attempts to expand and diversify have been considered essential to remedy the underemployment, unemployment [21% to 28% from 1965 to February 1973] and general economic stagnation.

In 1967, Ernst and Ernst, a professional accounting and consulting firm, completed a technical assistance study on Menominee County. 5/ The firm made 3 basic recommendations for alleviating the county's economic problems, as follows:

(1) Expansion of the existing Forestedge Recreational Homesite Program--Lakes of the Menominees (better known as Legend Lake). 6/

(2) Construction of a year round resort complex on the Wolf River.

(3) Revamping, expanding and diversifying MEI.

The purpose of the Lakes of the Menominees project was to expand the tax base, thereby allowing MEI enough capital to expand and diversify. The purpose of building a resort complex was to provide jobs in the county and also to stimulate economic growth. The purpose of revamping of the corporation was to provide more jobs and produce economic stability. However, the expansion and diversification of MEI was mainly to be contingent on the success of the first 2 recommendations.

Followup on the Ernst & Ernst Recommendations

Lakes of the Menominees--The Lakes of the Menominees (LOM) was to be an expansion of the existing Forestedge Recreational Homesite Program. Since 1962, the corporation had utilized a lease-sale program concentrating on Moshawquit and LaMotte Lakes. There had been some consideration by MEI of developing the present Legend Lake area.

After the Ernst & Ernst report had been reviewed, the company conducted a referendum on a resolution supporting the creation of an "economic development zone". This zone, as described in the Ernst & Ernst report, was to consist of an area not exceeding 8,760 acres. 7/ The most important provision of the resolution was the one providing for warranty deeds to be issued as a condition of land transfer (land sale). A special stockholders meeting was conducted on September 23, 1967; and of the 253 Menominees who voted, 156 (75 county residents and 81 nonresidents) supported the resolution and 97 (90 county residents and 7 nonresidents) opposed it.

During July of 1968, LOM was formed as a partnership between MEI and N. E. Isaacson & Associates, Inc., in order to implement the first Ernst & Ernst recommendation. According to the terms of the partnership, MEI provided the land, while the Isaacson firm supplied the capital, construction and promotion. The net profits were to be distributed on a 50-50 basis, with Isaacson receiving a 5% sales commission.

Originally, the LOM agreement provided for the development of 1,600 to 1,800 homesites. This was later expanded to 2,600 lots. Prior to the completion of the project, the LOM agreement was dissolved on July 8, 1972. The dissolution agreement provided that out of the remaining unsold lots, Isaacson would receive 380 lots with the power to sell those on which sales were still pending. MEI retained 372 lots. In addition, Isaacson agreed to pay MEI $250,000 and complete all major aspects of the development.

Although LOM was not totally completed, it did expand the county's tax base substantially. In 1972, the property included in the Legend Lake project accounted for $12,482,000 (34.97%) of the county's property assessment. It is anticipated that in 1973, the LOM residents will pay approximately $440,000 (44%) of the county's taxes. 8/

Resort Complex--A complete year round multi-recreational resort complex was the second recommendation made in the Ernst & Ernst report, but the project was never implemented. It is estimated that approximately 150 jobs would have developed, if the complex had been completed. 9/ A number of profitmaking establishments, including a hotel, motel, beauty and barber shops and gift shop, were slated for inclusion.

Initial steps were taken by the corporation's Land Use Committee to attract investors. The [Land Use Committee's] preference for a developer who would purchase the land, construct and operate the complex apparently dissuaded investors. Ernst & Ernst assisted MEI in its efforts to attract prospects to build the hotel-motel, but the majority of potential investor-operators contacted felt that such a facility in a more commercial location would be less risky. 10/

By April, 1969, it appeared that financial participation by Menominee Enterprises, Inc. would be essential to attract an investor. Indicating that Lakes of the Menominees would benefit, N. E. Isaacson expressed interest in the resort complex. From June to August, 1969, Ernst & Ernst attempted to bring together Isaacson, MEI and a proposed operator--Kenneth Zinzow, President of the Innz Inns of Oshkosh, Wisconsin--to form a partnership. By August, 1969, Isaacson and MEI had an oral confirmation from Zinzow to proceed. Two months later Zinzow formally withdrew from the project but indicated possible future interest.

Attempts to find new operators were renewed but without success. Efforts continued until April 1970, and were then ceased because it was felt that the Menominees were no longer interested in a tourist oriented operation.

Visitors Destination Center--Although not specifically recommended in the original Ernst & Ernst report, Menominee Enterprises, Inc. contracted the Northeastern Wisconsin Regional Planning Commission (NWRPC) to conduct initial studies and make grant applications for a Visitors Destination Center (VDC). 11/ An Information Center, Cultural Center, Nature Awareness Center and the Camping and Picnic Center were the recommended facilities. The NWRPC was successful in obtaining an Economic Development Administration grant totaling $1,023,000 for this project and subsequently facilities were constructed.

Maximum use of the VDC was dependent on the development of the resort complex. Without that development, the facilities have been used for a few conventions and some public meetings but largely have remained unused. The DRUMS (Determination of Rights and Unity of Menominee Shareholders) organization now manages the buildings. The Information Center is now the DRUMS headquarters and one of the other buildings is used as a community school. Public meetings are still held in the facilities.

A Farmers Home Administration grant of $223,000 was utilized to build a Co-op Store in 1969. The store is completed and has an operating volume double the initial estimates. 12/

Industrial Development--Most of the original recommendations for rehabilitating the sawmill were implemented by July, 1968. 13/ Studies were made on new wood products including veneer, dimension stock, particle board and white cedar fence. While the latter 2 projects are no longer being considered, none has been found completely unsuitable. Nothing has materialized from the other studies.

PART II

MENOMINEE COUNTY
1970-1973

The main activities in Menominee County from 1970 to 1973 have been, to a large degree, contingent on the activities of the DRUMS organization. DRUMS has had considerable impact on the corporation and its policies, plus recreational development in the county. Industrial development in the county has not been directly affected by DRUMS. Most other issues and events have cut across MEI--DRUMS lines or have been entirely noncontroversial. The most significant change in the Menominee community has stemmed from the DRUMS effort to have the Menominees restored to their former trust status.

DRUMS

DRUMS was organized during 1970. The group was formed in opposition to the policies of the MEI. Although there had been several forerunners of DRUMS, none had been successful in gaining a large Menominee membership or in affecting the Enterprise's policies.

DRUMS gained its initial support through informational and organizational meetings in the Milwaukee and Chicago areas, where the majority of Menominees not residing in the county are located. According to DRUMS supporters it was essential to first acquire a base outside Menominee because county residents feared company reprisals. To DRUMS opponents this outside base indicated the efforts of outside self-serving agitators and misguided "do-gooders" to disrupt the county.

Legend Lake--The first DRUMS activity centered around the LOM--Legend Lake project. Basically, members of DRUMS were opposed to the prospect of Menominee becoming a tourist economy. DRUMS contended that a recreational based industry (including both LOM and the proposed resort complex) was not compatible with the culture and heritage of the Menominee people.

DRUMS also asserted that MEI, by selling this land, was destroying the tribal assets and eventually all Menominee land would be sold on a piecemeal basis. The MEI officials responded that the "economic development zone" was limited to a small percentage (3.7%) of the total land base and only this land would be sold. Enterprise people also claimed that no one really wanted to sell the land, but it was a matter of economic necessity.

It was also noted by MEI officials that the stockholders voted for the "economic development zone" in the September, 1967 referendum. DRUMS claimed that the full impact of the "economic development zone" was not understood at the time the referendum was conducted and that two-thirds of the stockholders did not approve the sale of land as required by Article XII of MEI's Articles of

Incorporation. The company responded that because the Trust held the stock only a two-thirds vote of the Trust was required, and it was noted that the Trust had unanimously approved of the zone. DRUMS contended that the Articles of Incorporation did not extend this authority to the Trust.

DRUMS also expressed fears that Legend Lake owners would outnumber Menominees and consequently that these "outsiders" would gain control of the local government. Only a small percentage of Legend Lake buyers, MEI asserted, would be full-time residents and have the right to vote in local elections. DRUMS also felt necessary local services (e.g., snow plowing) which would have to be added to accommodate the new housing would increase governmental costs substantially. MEI noted that, according to the Ernst & Ernst report, since the LOM project was geared toward "summer" inhabitants, there would be only a minimal increase in service costs.

The right to hunt and fish on MEI lands was granted to Legend Lake buyers. This practice was denounced by DRUMS. The corporation felt it could convey this right to the purchasers. There was considerable controversy over who held these rights and the conveyance policy. 14/ In addition to DRUMS, the Indian Rights Committee (which was formed specifically to oppose the hunting and fishing conveyance policy) pressured LOM into discontinuance of the use of the right as a selling point. The practice was halted August 1, 1970. On May 9, 1973, the MEI Board of Directors notified Legend Lake owners that the right to hunt and fish on corporation lands was rescinded and violators would be prosecuted. Subsequently, Legend Lake owners challenged the action and on May 17, 1973, they were granted a restraining order enjoining MEI from prosecuting.

Other DRUMS contentions centered around the lake development itself. According to DRUMS, the LOM construction was destroying the natural beauty of the land, to which MEI responded that on the contrary, the beauty of the area was being enhanced by the project. DRUMS made claims that the lake wasn't constructed properly because it leaked. This claim was affirmed by Isaacson who asserted that some seepage is natural in newly created lakes such as Legend Lake. Also, DRUMS contended that that water was illegally diverted from lakes and streams in violation of s. 30.18, Wis. Stats. The company pointed out that the project was approved by the Department of Natural Resources (DNR). 15/

DRUMS first gained wide public attention when members picketed the Legend Lake project on the July 4, 1970, weekend. Demonstrations continued on a sporadic basis. In August 1970, DRUMS alleged that the Menominee County Sheriff's Department harassed demonstrators and sought a temporary restraining order in federal court. The order was denied on the basis that all avenues of relief through the state courts had not been exhausted.

One of the largest demonstrations occurred on October 18, 1970, when an estimated 150 persons demonstrated against the project. 16/ The most controversial aspect of the demonstration was the participation by nationally known Indian singer Buffy St. Marie, and the Director of Wisconsin Judicare, Joe Preloznik. To DRUMS critics this supported their claims that outside agitators were misleading the Menominees and trying to destroy the county. 17/ The DRUMS proponents felt that the Judicare Director was acting within his capacity as their attorney.

During October, MEI announced that as a result of DRUMS demonstrations, LOM sales had dropped substantially. 18/ Subsequently, DRUMS requested a circuit court order requiring LOM records be produced to substantiate this MEI claim. The court denied the motion on the grounds that DRUMS illegal protest activities would have caused a drop in sales. 19/

DRUMS again demonstrated against the project on April 4, 1971 after losing in its attempt to overturn the Trust. (This action is discussed below.) A temporary circuit court restraining order was granted to LOM permitting peaceful picketing but restricting demonstrators from disrupting business. As a result, DRUMS filed a suit in federal court alleging that the injunction violated the right of free speech and assembly. On May 29, 1971, the federal court declined to grant an order temporarily restraining the enforcement of the injunction. Two days later, DRUMS defied the circuit court ordered injunction when approximately 200 people demonstrated against the project. There were some altercations between the demonstrators and the police but no arrests were made at the time. In June, as a result of this incident, a permanent circuit court injunction against demonstrations was ordered and 2 DRUMS leaders received jail sentences for violating the injunction.

The last and most disruptive demonstration occurred during the 1972 Memorial Day weekend. An estimated 100 demonstrators terrorized and threatened motorists. 20/ DRUMS disavowed any involvement with the protest but counter charges were made that DRUMS members had participated. The only arrest made was that of the Legend Lake manager for reckless use of an automobile.

In addition to the demonstrations, the DRUMS organization instituted several lawsuits to stop the LOM project. In State of Wisconsin ex rel. Thomas Matchoma v. Lester Voight, it was alleged that DNR had allowed and encouraged LOM to unlawfully divert water for the project. The public intervenor supported DRUMS claim in a petition for review. The hearing on this matter was originally scheduled for September 1, 1970 in Dane County Circuit Court but was adjourned at the request of DRUMS attorneys.

In another suit Daly v. Natural Resources Board, some DRUMS members attempted to prevent the granting of a permit for a dam, which was essential for the completion of the project's final phase. It was alleged that Legend Lake would destroy the natural habitat

and also infringe on the Menominees' hunting and fishing rights. In addition, it was claimed that the anticipated increase in tourism would only result in providing demeaning employment opportunities. The legality of the sales were also questioned in the suit. The circuit court upheld the permit for the third dam in August, 1971. 21/

A favorable decision for DRUMS was reached in the Green Bay Circuit Court on July 24, 1972, in Tomow, et al. v. Menominee Enterprises, Inc., et al. In the decision it was noted that the original LOM agreement was to have expired December 31, 1971, but in March, 1972, the Board of Directors had voted to extend the LOM agreement until the end of 1972. In April, 6 of the 11 trustees signed affidavits that they were opposed to the sale of land to non-Menominees. Also, in April the circuit court for Menominee County refused DRUMS a temporary restraining order against further LOM sales.

DRUMS contended that Article XII of the Articles of Incorporation did not endow the Trust with the power to sell land to non-Menominees. Even if the sales were originally valid, DRUMS claimed that the automatic termination of the partnership and the present make-up of the Trust made the sales after December 31, 1971, illegal. MEI contended that the partnership was legally extended by the March action of the Board. The Trust, MEI claimed, was valid and Article XII was complied with when the trustees unanimously voted for the land sale.

Green Bay Circuit Court Judge William Duffy found the Trust to be valid but could not conclude that the Menominees ever intended that the Trust should have the power to allow the sale of lands. The decision did not touch the legality of earlier sales. An injunction was issued against further sale of lands.

This decision was later clarified to allow the sale of land to Menominees. The dissolution agreement with the Isaacson firm had been reached prior to the court ruling. Because the injunction applied to the lots he received in the dissolution agreement, Isaacson is appealing the decision by Judge Duffy. 22/

Common Stock and Voting Trust--During the time the first Legend Lake demonstrations were being conducted, DRUMS started its efforts to overturn the Common Stock and Voting Trust. The "Plan for Future Control of Menominee Indian Tribal Property and Future Service Functions" (Termination Plan) provided for a review of the Trust at 10 year intervals. Fifty percent of the shares must be voted for termination before the Trust can be eliminated. The first such vote was scheduled for the December 1970, annual stockholders' meeting but DRUMS obtained a temporary injunction restraining the vote on the Trust and election of trustees. The vote was conducted at a later stockholders' meeting.

DRUMS asserted that if the Trust was eliminated, control of the corporation would be returned to the shareholders. Without the Trust, two-thirds vote of the shareholders would be necessary before land could be sold. MEI responded that the Trust assured that the company would be operated for the benefit of the Menominee people. Outsiders would be prevented by the Trust from engaging in proxy battles to take over the Corporation. The major pro-Trust argument by MEI was that the Trust was vital to help the company operate. It was noted that under the law and the Enterprise's Articles of Incorporation, one-third of all shareholders must be present in person or by proxy to conduct business. One of the reasons the Trust was originally created was to circumvent the quorum requirement, which had always been difficult to achieve. MEI also charged that federal attorneys had convinced DRUMS that MEI could be run like any other corporation; but MEI contended that this was impossible.

The non-Menominee membership on the Trust (3 of the 7 were non-Menominees) was denounced by DRUMS. In turn, the Menominee members of the Trust suggested that instead of completely eliminating the Trust, it should be expanded to 11 members, all of whom would be Menominee. The Trust members claimed that this would give greater control to Menominees and more representation to those living in urban areas. DRUMS felt that Menominees could best be represented if the Trust was completely eliminated, thereby allowing the direct election of Board members.

In March 1971, the circuit court for Menominee County ruled in White et al. v. Kenote that the Trust was within its powers to enlarge itself and that the Menominee Assistance Trust was entitled to vote the shares of those 18 to 20 year old Menominees who have not been judicially declared incompetent. The legality of both had been challenged by DRUMS. The court also decided on the number of shares (157,834.02083) needed to overturn the Trust. 23/ Both DRUMS and MEI agreed to an impartial presiding officer.

On April 3, 1971, the shareholders meeting was conducted. Although the majority of those voting supported the abolishment of the Trust, the necessary amount of shares (119,320 for termination and 118,516 against termination) was not cast for termination and the Trust was, therefore, continued.

Menominee Assistance Trust--When the Menominees were terminated, First Wisconsin Trust Company of Milwaukee was selected as the trustee for the Menominee minors and incompetents. In 1961, First Wisconsin held 41.6% of the Corporation's shares. However, its voting power has been disproportionate to the number of shares it held. From 1961 to 1968, First Wisconsin's vote ranged from 80% to 92.8% of the total vote. 24/ In February, 1971, DRUMS sought to have the Assistance Trust declared invalid in federal district court on the grounds that the Menominees had been denied the constitutional right to equal protection under the law. DRUMS contended that First Wisconsin guardianship differed from that

afforded to other state citizens and that Menominee parents were not given the opportunity to act as guardians. No court determination of incompetency, DRUMS added, had ever been made for those involved. DRUMS also asserted that First Wisconsin was not acting in the best interests of the Menominees, in that it (First Wisconsin) intended to support the continuance of the Trust and that it had supported the LOM project. The federal court dismissed the suit on the grounds that the Assistance Trust had clear congressional authorization for its existence.

After it had voted for the continuance of the Trust, DRUMS "declared war" on First Wisconsin. In its "A Declaration of War", DRUMS listed the following reasons for its action: (1) that the First Wisconsin Trust Company had denied the Menominees a democratic voice in selecting the Trust; (2) that the company had "milked" Menominee minors and incompetents; and (3) that First Wisconsin, through "gang voting", had facilitated the "stealing" of Menominee land (Legend Lake). DRUMS initiated their so-called "war" by picketing First Wisconsin's office.

The First Wisconsin Trust Company responded that it had the obligation to act in the best interests of Menominee beneficiaries and that the administration charges for minors and incompetents were less than costs would be if the court had appointed a guardian for each minor. 25/

Later, DRUMS requested First Wisconsin to refrain from voting in the November 1971, annual stockholders meeting or to cast an equal number of shares for each candidate, so that the elections would be a true test of tribal feelings. First Wisconsin responded that it would vote for the MEI slate, because it was in the best interests of the county. 26/

Friction between DRUMS and First Wisconsin increased when it became known in December of 1971 that First Wisconsin's legal fees, which were incurred as a result of the DRUMS suit to have the First Wisconsin Trust declared invalid were deducted from the annual dividend check. 27/ First Wisconsin stated that it was within the terms of the Assistance Trust Agreement that it could charge the trust estate for fees incurred in defense of the Trust. DRUMS did not claim that the deduction was illegal, but claimed that it was morally wrong to charge the minors and incompetents. 28/ Later, when it was ascertained that First Wisconsin had charged $214,380 over 10 years for managing the minors' and incompetents' assets, DRUMS claimed that it was not necessary to have deducted the $9,302 for legal fees. According to DRUMS, First Wisconsin had enriched itself at the expense of the Menominees. 29/

This First Wisconsin-DRUMS controversy was settled as a result of the Age of Majority (18 years old) legislation which was enacted (Ch. 213, Laws of 1971). First Wisconsin sought a declaratory judgment on the issue of whether it could distribute the assets of the 18, 19 and 20 year old beneficiaries, who were classified as

competent adults under the laws of the state of their residency. On May 23, 1972, the Shawano-Menominee County Court authorized the distribution of the assets to Menominees who had reached 18 years of age. Because all minors whose assets were held by First Wisconsin would have reached 21 years of age by 1975, this court action left First Wisconsin to act only as trustee for the tribal incompetents.

DRUMS 1971 March--According to DRUMS spokesmen, it was necessary for the Menominees to clarify public misunderstanding and ignorance on tribal matters. Accordingly, DRUMS organized a "Menominee March for Justice". In October, 1971, a 220-mile march from Keshena to Madison was made. Approximately 200 persons participated in the march and 600 people attended a subsequent rally at the State Capitol. DRUMS presented 8 requests to Governor Lucey, as follows:

(1) The Governor was requested to take the lead on behalf of the Menominee people and the state in seeking the reversal of termination.

(2) The Governor was requested to initiate an immediate investigation into the ecological impact of Legend Lake.

(3) The Governor was requested to initiate an investigation into the education of Menominee children in Joint School District No. 8.

(4) The Governor was requested to initiate a medical clinic project in the county.

(5) The Governor was requested to help the Wolf River Council on Alcoholism obtain an adequate grant.

(6) The Governor was requested to force the Department of Health and Social Services to stop taking the 4% income bonds as a condition for welfare and to force return on all such bonds.

(7) The Governor was requested to initiate a comprehensive program of economic development in the county.

(8) The Governor was requested to visit Menominee County.

Governor Lucey did tour Menominee later that month. He urged the factions (MEI & DRUMS) to unite. He pledged assistance to bring MEI and DRUMS together for productive negotiations, noting that common goals would be nearly impossible to attain unless there was unity.

Control of MEI--As DRUMS expanded its base in the county, it gradually took control of MEI. Starting in 1970, DRUMS began endorsing candidates for the Trust. Although it did not overturn the Trust, 2 DRUMS members were elected as trustees at the April 1971, stockholders meeting. (Ada Deer, one of 2 successful DRUMS candidates was later elected Chairman of the Trust.) The following

December, DRUMS candidates were elected to 4 vacant trustee positions. Consequently, some DRUMS members or supporters were named to vacancies on the Board of Directors. By the end of 1972, DRUMS 4 endorsed candidates were placed on the Trust, which then included only one non-DRUMS member. DRUMS now had a majority (6 members) on the Trust and when the new directors were later named by the Trust DRUMS had also gained control of the Board. (Subsequently a DRUMS member, Sylvia Wilber was elected as Chairman of the Board.)

It should be noted that during the DRUMS efforts to gain control, an opposition (pro-MEI) group was formed--Menominees for Progress. In the last elections, the Progress group also endorsed candidates; however, none of its candidates was elected.

County Government—DRUMS has not actively sought to gain control of the county government. Some DRUMS members have run for and been elected to local governmental positions. Notably some Menominees closely identified with the old (pre-DRUMS) MEI power base have also been successful in gaining elected town-county posts.

PART III

RESTORATION

The movement to restore the Menominee tribe originated with the DRUMS organization. DRUMS considered reversal of termination as the only real solution for the Menominees, and believed that only when returned to their former trust status could the Menominee land and assets be retained for future generations. Some claimed Legend Lake could be purchased by the federal government for the tribe or by the tribe if restoration were accomplished.

Initially, the feasibility of having the reservation restored was questioned by many Menominees who felt that termination could not be "undone". Others indicated that the move for restoration reflected a defeatist attitude about the county's economic stability. To the latter group, the LOM project and the implementation of the other Ernst & Ernst recommendations would make the difference between the success or failure of the county. Other Menominees felt that not only was restoration unnecessary but also undesirable. Both proponents and opponents of restoration expressed strong opposition to the return of what was regarded as paternalistic Bureau of Indian Affairs control as it existed in pre-termination days. DRUMS advocated a new relationship with the BIA which would assure tribal control of tribal matters.

Starting in April of 1971, DRUMS candidates for the Trust inserted pro-restoration positions in their campaign planks. There was discussion of holding a referendum on the question, but due to the lack of finances it was not conducted. According to DRUMS spokesmen, the victory of DRUMS candidates in this and subsequent Trust elections indicated community support for reversal.

On July 1, 1971, the first official DRUMS pro-restoration statement was included in DRUMS testimony before the Senate Committee on Interior and Insular Affairs on Senate Concurrent Resolution 26 (S.C.R. 26). This Senate resolution provided for the repudiation of House Concurrent Resolution 108 which had established the termination policy. The non-DRUMS Menominees who appeared before the Senate committee supported S.C.R. 26 but did not make statements on restoration. Also at this time, DRUMS started seeking congressional support for restoration. Consequently, Congressman David Obey asked the BIA to conduct studies on the status of the Menominee people and Menominee County. A similar report was requested by the House Interior Appropriations Committee.

Meanwhile, as a result of the DRUMS march on Madison, the Governor's staff invited DRUMS, MEI and county representatives to Madison to discuss restoration legislation. 30/ On November 10, 1971, the meeting was held and all factions agreed on the basic terms for a bill providing for restoration. Shortly afterward, Native American Rights Fund (NARF) of Boulder, Colorado, was requested to provide the necessary legal assistance in drafting the bill.

By January, 1972, the bill draft was discussed at a General Council meeting and was supported by 100 of the Menominees in attendance. On April 20, 1972, the Restoration Bill (H.R. 14556) was introduced. The following May, the Menominee Joint Legislative Committee, representing the major groups in Menominee County, including MEI's Board and Trust, Town and County Boards, DRUMS and the Council of Chiefs, sought MISC support of the bill.

The MISC did not endorse the bill because committee members indicated that there were several areas of concern that had to be resolved first. The basic question centered around reversion of the land and assets to a trust status. The committee questioned the legality of divesting shareholders. It was argued that once the assets were converted to stock, the individuals interest in the tribe became a personal investment and this could not be reconverted without due process of law. It was thought that dissenting stockholders would have to be bought out. The DRUMS attorney maintained that Congress had acted illegally when terminating the tribe in 1954 and restoration would only restore the previous status quo. The rights of unborn children, it was noted, were liquidated by the Termination Act. Committee members argued that termination only eliminated federal control and not tribal assets or individual rights.

The other major area of discussion was the feasibility of including any language specifically reinstituting the Menominee's right to hunt, fish and trap in the county. Since these rights had been affirmed in the 1968 U. S. Supreme Court decision, it was felt any language in the Restoration Bill could open the way for Congressional amendments infringing on these rights.

In February of 1972, the MISC conducted a state-federal meeting on restoration. All agency representatives reported on the possible effect of restoration. Although few cost figures were reported, it was generally agreed that few services would be lost and others would be gained if the Menominees were restored. There was no detailed discussion of whether or not the level of services would remain the same, if a transfer were made to corresponding federal programs.

It was noted that under the provisions of the Wisconsin Constitution, Article XIII, Section 7, any county containing an area of 900 square miles or less (Menominee contains 365 square miles) cannot be partitioned unless such partition is approved by a majority of all legal voters in the county voting on the question. It was repeatedly questioned if the Menominee residents did not vote for partitioning of the county if the property that would not be returned to trust status would provide a sufficient tax base for a county government. 31/ Restoration proponents felt that this would be possible, and because of the anticipated influx of federal Indian aids, actual taxes on that property would decrease.

Other areas of discussion concerned the possibility of a Menominee referendum to determine whether the people support restoration. Restoration supporters did not object to a referendum, as long as it was not used as a delaying mechanism. This issue also was not resolved.

Because the 92nd Congress had adjourned without acting on the Restoration Bill, this session 2 companion bills--H.R. 7421 and S. 1687--were introduced on May 2, 1973. The new version of the bill includes the following provisions:

(1) The establishment of a 9 member Menominee Restoration Committee to be elected at a tribal general council meeting.

(2) The reinstatement of all tribal rights and privileges that may have been lost or diminished as a result of termination.

(3) The guarantee that the Act will not diminish any rights or privileges now held by the tribe or those held prior to termination.

(4) The guarantee that the Act will not alter any property rights or obligations, contractual rights or obligations or obligation for taxes already levied (this section affirms the rights of Legend and other lake property owners).

(5) The opening of the tribal membership roll.

(6) The establishment of a new tribal constitution and bylaws.

(7) The election of the tribe's governing body by secret ballot.

(8) The transfer of MEI assets subject to the approval of the shareholders, as required by Wisconsin's law, to the Secretary of the Interior (assets still subject to all valid existing obligations) 2 years after enactment of the bill.

(9) The transfer of land in Menominee County held by members of the Menominee Indian Tribe to the Secretary of the Interior to be held in trust, with the land to be subject to all valid existing obligations 2 years after the enactment of the bill.

(10) The requirement of consultation with appropriate state and local government officials to assure that necessary governmental services are not impaired as a result of the transfer.

(11) The inclusion in the tribe's constitution that the governing body of the tribe shall make rules and regulations for sustained yield management of the forest, may make any rules or regulations necessary to protect the tribal assets from deterioration, and may regulate hunting, fishing and trapping on the reservation. (Fishing by non-Menominees on Legend, LaMotte, Moshawquit and Round Lakes to be regulated by the state of Wisconsin.)

(12) The establishment of a congressionally determined policy to provide full financial assistance for Menominee students to local educational agencies which enroll 2 or more tribal members.

(13) The authorization for the Secretary of the Interior to make the necessary rules and regulations to carry out the Act.

(14) The authorization for an appropriation to carry out the Act's provisions.

Of the above provisions, there are 3 significant additions that were not included in the earlier version. The first deals with the 2 year waiting period before assets and land can be transferred. Only when this transfer occurs will local, state and federal taxation cease. The second major provision concerns consultation with state and local officials; however, the extent of such consultation has not been clearly defined. The third major addition is the recognition of the special educational needs of Menominee students and the establishment of a corresponding Congressional policy.

PART IV

ECONOMICS OF MENOMINEE COUNTY

Menominee Enterprises, Inc.

During 1970 and 1971, the company received substantial profits from the LOM project. However, at the same time, the sawmill itself was not faring too well. There were serious problems with downtime, and company officials were concerned about possible sabotage. This was another point of contention between DRUMS and MEI. According to the DRUMS viewpoint, the problems in the mill resulted from low employe morale, partially attributed to the LOM project. Some DRUMS critics claimed that the "attitudinal" problems were actual efforts to destroy production, thereby causing the company to go bankrupt. Reputedly, once the mill was bankrupt, the federal government would have to restore the tribe.

During 1972, the financial situation worsened. As the profits from Legend Lake dwindled, MEI faced a serious cash shortage situation. MEI attributed this partially to the costs of the DRUMS lawsuits. It was also asserted that because of the resulting legal entanglements, MEI was unable to get loans to run the company. DRUMS maintained that the financial situation was a result of years of poor management. By the end of 1972, MEI had a profit of zero and the company had been able to pay only 70% of the bond interest. In earlier years, the company had often gone into debt to make this payment.

During the first few months of 1973, MEI had significant increases in sales, production and profit and, as of March 31, 1973, the company had a cash balance of $351,000. DRUMS critics claim that with lumber prices as they now are, "anyone" could make a profit. It is also suggested that DRUMS supporters in the mill purposely worked adversely against MEI until the new DRUMS controlled Board of Directors was selected, so that the new Board would "look good". Proponents of DRUMS, which is now in control, claim that mill production is up because the employes are happy with the change in management.

Diversification and Modernization

Forestedge Building Supply is a wholly-owned subsidiary corporation of MEI. It was created in 1970 as a lumber and building material outlet to capitalize on from the LOM project and public housing construction in the county. Sales have, since its creation, extended to surrounding counties. At the end of the 1972 fiscal year, Forestedge showed a $4,000 net profit, and for the fiscal quarter ending September 30, 1972, it showed a $20,000 profit. Forestedge has provided employment for over 25 Menominees.

A mill modernization program has been in effect for several years. It will span a total of 3 or 4 more years and will cost

approximately $225,000. It is anticipated there will be a corresponding increase in productivity. A small sawmill has been utilized for recovering lumber from low grade logs.

Wolf River

As of October 2, 1968, the Wolf River has been preserved under the provisions of the federal Wild and Scenic Rivers Act (P.L. 90-542). The purpose of including the Wolf in the federal act was twofold--first, to preserve the area from development and, secondly, to provide economic assistance to the Menominees. The federal act contains provisions whereby Indian lands cannot be acquired without tribal consent as long as the area is managed in a manner as to assure its use for purposes consistent with the Act.

Not until 1970 did the National Park Service (NPS) start plans for acquisition of the Wolf. In May, 1971, NPS offered MEI $3,778,300 for a total of 4,973.69 land acres and 591.35 water acres. The NPS also planned to acquire 294 acres of public land and 130.25 acres of land owned by individual parties. The proposal provided for 3 types of acquisition--fee interest, scenic easement-access, and scenic easement.

The NPS offer was rejected by MEI's Board and Trust. The question was put to an advisory referendum, the results of which supported MEI's decision (136,984 votes for rejection and 135,005 for acceptance). The basic reason for rejection was that the Menominees had never intended to sell their land, but only to lease it so that it would be a continuing source of income. Some persons noted that if the Menominees had wanted to sell, the price was considered too low. No subsequent federal offer has been made.

Economic Development

Since early 1972, the Menominees have explored 2 avenues of economic development--an industrial park and a local development corporation. At the request of the MISC, the Wisconsin Department of Local Affairs and Development, Division of Economic Development [now the Department of Business Development (DBD)] has lent its assistance to these projects. The DBD has also initiated steps to get an industry located in the county by Labor Day, 1973.

Industrial Park--The Division of Economic Development suggested that an industrial park be developed in the county and MEI started work on this project early in 1972. The area has been limited to 12 1/2 acres because of the high cost of development. In order to be eligible for U.S. Economic Development Administration (EDA) approval and U.S. Office of Eccnomic Opportunity (OEO) funds, there must be justification to show that the project will create employment and that 2 firm commitments have been made by industries to locate in the proposed park. State assistance in acquiring these commitments was requested; however, efforts to obtain them have not been successful. As a result, the industrial park project is dormant.

Menominee Development Corporation--In order to upgrade skills and income, create jobs and stimulate small business entrepreneurship, the Menominee Development Corporation (MDC) was formed in April, 1972.

The state was requested in April, 1972 to provide the local contribution portion for an 18-month administration grant. Although state funding was not granted, the MDC has received $19,305 from OEO and an equal amount is forthcoming.

Department of Business Development--At the December 15, 1972, MISC meeting, the efforts of the DBD were reviewed. It was deemed essential that MEI be kept profitable and efficient in the lumber and wood areas. It was noted that Menominee, with its abundant supply of labor, would do well in attracting a work intensive, low capital investment industry. The Secretary of DBD indicated that the industrial park was a good idea and that the MDC has possibilities but felt it will take time for it to mature. The Secretary then set Labor Day, 1973, as a deadline to have an industry in operation in the county. At that same meeting, representatives from the state Vocational, Technical and Adult Education Board promised cooperation in training and providing technicians for the proposed new industry.

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PART V

CHARACTERISTICS OF MENOMINEE COUNTY

Health

There had not been a resident doctor in Menominee County until July 17, 1972, when a National Health Service Corps termination (NHSC) physician started his 2-year term of service in the county. Menominee County qualified for, and received, the services of this physician, based on the definite need in the community, local government support and local medical community support. The NHSC and the county jointly pay the salaries of the doctor and a nurse and community worker who are hired by the county. In addition, the county provides the facilities, equipment, maintenance and expendable supplies and utilities.

It is anticipated that the Menominees will receive the services of NHSC dentist starting July 1, 1973, under similar financing arrangements.

Education

For operational purposes, Menominee County is part of Joint School District No. 8, Shawano. There are 2 public elementary schools in Menominee County, both of which have kindergarten through grade 5 programs. From grade 6 through grade 12, Menominee students attend schools in Shawano. Several groups have been formed in the county in response to the educational situation and have both MEI and DRUMS supporters as members.

Early in 1969, the U. S. Department of Health, Education and Welfare (HEW) Office of Civil Rights was conducting an investigation into possible discrimination against Menominees in Joint School District No. 8, Shawano. Reputedly, HEW was conducting a nationwide computer check of school districts with a high percentage of minority student attendance. When it was indicated in the Elementary and Secondary Education Report of 1968 that the Shawano-Menominee district had an excessively high percentage of minority children in 2 schools and a large number of predominately white and 10 all white schools, HEW decided to investigate any possible segregation.

In 1969, the Menominee County Parents and Students for Better Education (MCPSBE) was formed. This was the first manifestation of Menominee discontent with the Shawano school system. The MCPSBE drew up an 18-point education "bill of rights" which included specific limits on class size, a change in the suspension rules, an increase in Menominee membership on the school board, establishment of an in-training sensitivity program for teachers and the inclusion of special courses on American Indians.

The MCPSBE functioned quietly and by 1971 it had become inactive. However, another organization, the Menominee County Educational Committee (MCEC), was formed to take its place. The MCEC believed that the solution to the situation was to have a separate school district for Menominee County. An advisory referendum on the question was conducted in April 1971; 252 county residents favored and 228 opposed a separate school district. The MCEC worked for a Menominee school district throughout 1971 and 1972.

The first real friction over the school situation started in the fall of 1971 when the Menominee students demonstrated. Prior to this demonstration there had been increasing accusations by Menominees of discrimination against Menominee students. Critics of the Shawano school system cited the high rate of Menominee student dropouts, suspensions and expulsions. Claims were made that schools located in Menominee County were not as well equipped as elementary schools in the school district located in Shawano, and that the schools in Menominee County received secondhand books and supplies. The friction over the schools increased at the same time that DRUMS activity was growing, and defenders of the operation of the school district believed that the criticism of the schools was a "spill-over" from problems in Menominee County. It was suggested by some that outside people were causing the trouble.

On November 10, 1971, Menominee students demonstrated against Shawano school policies and presented a list of demands to the superintendent of Joint School District No. 8. Later that month, the school board met to discuss the situation and the 10 demands made by the Indian students. The students had demanded a high school in Menominee County. If this was impossible or until it was achieved, the students made the following 9 demands:

(1) Employment of 2 Indian counselors.

(2) Procurement of more Indian books for the library and for use in classes.

(3) Invitation of Indian speakers for both Indian and white pupils.

(4) Publication of the Menominee financial contribution (taxes) to the school district, so that it would be known that Menominees were not living off the people in Shawano.

(5) Sensitivity training of teachers regarding Indian problems and culture.

(6) Institution of an Indian club.

(7) Institution of special tutoring and counseling for Indian students.

(8) Procurement of history books that present a true and unbiased history of Indians.

(9) Elimination of the Shawano high school Indian mascot.

In December of 1971, a Department of Public Instruction (DPI) memo was released concerning an early November visit by DPI representatives to the Shawano schools. The visit had been conducted partially to fulfill a request from Governor Lucey which resulted from the DRUMS march. The memo indicated that the facilities, staff, equipment and materials in the schools in Menominee County were adequate or better than those in the Shawano located schools, and that the educational program was exceptional. It was noted that Federal Elementary and Secondary Education Act funds were utilized for the benefit of the Menominees. The memo also indicated that, because it was a short visit, charges of alleged discrimination could not be confirmed or denied.

In 1972, a new committee called Victory Through Indian Education (VIE) was formed to deal with all educational problems. The Shawano-Menominee school board approved the new committee in March 1972. In April, VIE reported progress on the student demands.

Another group, the Menominee County Welfare Rights Organization (MCWRO) became involved in the school situation. In April, a small group of MCWRO members petitioned the Superintendent of Public Instruction to investigate charges of racial discrimination and abuse of Menominees in the Shawano schools.

In May, Wisconsin Indian Legal Services and NARF filed a joint suit against the Shawano school district in federal court. 32/ The suit charged that the school district, its officials, the school board and DPI did not provide equal educational opportunities for the Menominees. To date, there has been no court ruling on that suit.

The MISC held a meeting in Keshena on May 19, 1972. One of the objectives of the meeting was to study the school problems. The MISC did not make any specific recommendations but decided to conduct a study on all possible alternatives to the present school system including the possibility of a community school. 33/

Until the end of the school year, there were reports of "fighting and terrorism" in the schools. 34/ Tension increased with each suspension or expulsion. The situation subsided when the schools closed for summer vacation.

The adult groups concerned with the school situation remained active. The American Indian Movement (AIM) was requested by the VIE chairman to cooperate with VIE on the Indian student demands.

Previously, AIM had presented 8 demands, similar to the original 10 student demands, to the school district. Activity by AIM in the school issue has been limited.

During 1972-73 the MCEC has been active. It asked the school board to request Agency School Committee No. 3 to have DPI conduct a feasibility study on a separate school district. By July, 1972, the DPI study was completed, and it did not endorse a separate school district because of the limited school population, the decreasing school census, increased costs and reduced potential for a comprehensive program. 35/

Although there was no formal demand made, many of the Menominee groups complained that they did not have fair representation on the school board in that only one of the 9 members came from Menominee County. In the DPI study on the separate school district, it was noted that based on either valuation or population, the county should be entitled to 2 representatives; and it was recommended that an area apportionment plan be considered. 36/ In July, the school board approved an apportionment committee which subsequently developed a plan increasing the board membership to 10 by including another representative from Menominee. This plan is scheduled to be voted on at the July 1973, school board meeting.

The 1969 HEW investigation was completed in 1972 and on October 4 of that year the Shawano school district was cited for non-compliance with the provisions of the 1964 Civil Rights Act. The school district was charged with the following:

(1) Providing less adequate and effective educational services to American Indians.

(2) Discriminatory assignment of Indian students to special education classes for the mentally retarded.

(3) Discriminatory assignment of Indian students in the cluster group classroom structure and use of the tracking system.

(4) Discriminatory operation of disciplinary regulations and policies.

(5) Providing less effective guidance and counseling services.

(6) Operating extracurricular activities in a manner impairing Indian participation.

In March 1973, the State Board on Government Operations approved $22,150 to aid DPI and the school district in formulating an acceptable compliance plan. Subsequently, such a plan was submitted to HEW.

Welfare

The most significant event in the area of welfare centered around state legislation. In order to be eligible for welfare, Menominees were required by state law to assign their 4% income bonds to the Department of Health and Social Services (DH&SS). In 1971, the MCWRO had requested that this practice be stopped in October 1971, and that all bonds held by the Department be returned. This was also one of the requests made to Governor Lucey by the DRUMS organization during its October march. Before any legislation could be enacted responding to these requests, the practice was halted by administrative order of the Department in December 1971. Subsequently, Ch. 302, Laws of 1971, was enacted ending by statute the taking of assignments, and the bonds were returned under the provisions of Ch. 303, Laws of 1971.

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PART VI

COMMITTEE LEGISLATION

Since the last Menominee Indian Study Committee report, contained in Wisconsin Legislative Council 1971 Report, Volume I, General Report (May, 1971), a number of bills have been approved by the MISC for introduction in both the 1971 and 1973 legislative sessions. These bills are described below.

1971 Legislative Session

S. B. 493. The bill provided for state aid for school districts employing a home school coordinator for Indian students where the salary was not reimbursed by the federal government. Federal payments are limited to school districts which have a Johnson-O'Malley contract based on the number of Indian students residing on tax free Indian lands. This bill would have provided coordinators to Menominee County and 3 other areas. The Senate failed to pass this measure pursuant to S. J. R. 21.

S. B. 498. This bill provided for the revision of the MISC by the election of Menominee members, the addition of one state senator and the elimination of the Shawano and Oconto County representatives. The bill also authorized the chairman to name alternates and advisors. The Assembly failed to concur in this bill pursuant to S. J. R. 21.

S. B. 499. This bill provided for the establishment of a program whereby the health costs in small counties (Menominee) that exceeded $5 per $10,000 of the county's equalized valuation would be reimbursed by the state. The Assembly failed to concur in this pursuant to S. J. R. 21.

S. B. 500. This bill provided for the extensions of the Indian Relief Program, s. 49.046, Wis. Stats., to the Indian persons residing in Menominee County. Pursuant to S. J. R. 21, the Senate failed to pass this bill.

S. B. 663. This bill eliminated the authorization of the Department of Health and Social Services to purchase or accept assignments on MEI securities as a condition for public assistance. The Senate failed to pass this measure pursuant to S. J. R. 21.

S. B. 791. This bill which became Ch. 302, Laws of 1971, declared the MEI's 4% income bonds were an exempt asset and did not disqualify owners from receiving welfare assistance.

S. B. 792. This bill which became Ch. 303, Laws of 1971, provided for the return of all MEI 4% income bonds that were assigned to the state as a condition for receiving welfare.

1973 Legislative Session

S. B. 122. This bill provides for state aid for home school coordinators. The bill is the same as S. B. 493 which was introduced in the 1971 session.

S. B. 123. This bill provides for the continued preservation of the Wolf River by a $250,000 annual payment for a 4 year period to MEI. In addition, the public has the right of access to the area plus the right to camp and fish. The lease agreement would automatically terminate if MEI refuses a payment. 37/

S. B. 124. This bill provides that sustained yield lands need only be posted with 2 signs per 1,000 acres for the purpose of the criminal trespass law.

S. B. 125. This bill provides a procedure for the entry in the sustained yield classification of lands that were terminated from federal trusteeship but not originally classified as forest lands. These lands must be suited for the production of merchantable timber.

S. B. 126. This bill provides for the posting of lands in Menominee County only on the land adjacent to state and county highways for the purpose of the criminal trespass law.

S. B. 127. This bill provides for the posting of sustained yield forest lands at one mile intervals along state, county and town highways and at entrances of private roads for the purposes of the criminal trespass law.

S. B. 128. This bill provides state aid to small counties for health programs. It is the same as S. B. 499, which was introduced in the 1971 session.

S. B. 129. (Substitute Amendment 1). 38/ This bill is similar to S. B. 500 which was introduced in the 1971 legislative session in that it extends Indian relief to the Indian persons residing in Menominee County. It also directs the DH&SS to appoint tribal council to administer provisions of the bill and reimburse the administrative agency for costs. Other requirements include the uniform administration of the program throughout the state, that grants be 95% of need and that applicants have the right to fair hearing and review.

S. B. 130. This bill provides for the revision of the MISC and is similar to S. B. 498 which was introduced in the 1971 session. It also provides for representation of MEI Board of Director thereby increasing committee membership to 18 persons.

S. B. 131. This bill provides for the continued restriction on the sale of MEI stock until 1976. 39/

FM:plj;dft

FOOTNOTES

1. 25 U.S.C.A. s. 891-902.

2. 1955, A.J.R. 72; 1955, A.J.R. 119; Ch. 596, Laws of 1955.

3. Department of the Interior, Bureau of Indian Affairs, Plan for the Future Control of Menominee Indian Tribal Property and Future Service Functions, April 29, 1961.

4. Ch. 258, Laws of 1959; Ch. 259, Laws of 1959; Ch. 260, Laws of 1959.

5. Ernst and Ernst, Technical Assistance Study of the Potential for Tourism and Industrial Development in Menominee County, Wisconsin, C-164-66 (Neg), Economic Development
6 Administration, U.S. Department of Commerce, March, 1967.

6. The Ernst and Ernst proposal was for the development of 2 lakes--East (which was later named Spirit) and West (which was later named Legend). During the period it was being developed, the entire LOM project became synonymous with Legend Lake.

7. Presently there is a total of 5,170 land acres and 1,340 water surface acres in the LOM project.

8. Kenote, George, A Personal Memorandum for Menominee Youth, 1972 A Glance at Catastrophe--Judicare Style, p. 41.

9. In the Ernst and Ernst study it was estimated that 120 employment opportunities connected with motor hotel and 30 employment opportunities connected with ancillary activities would be developed (p. 96). In 1969, after the Enterprises had made initial contact with Innz Inns, the estimates were revised by the Northeastern Wisconsin Regional Planning Commission. In the Commission's Progress Report and Information, Visitor Destination Center Economic Development Project No. 06-1-00653 Town of Menominee, Menominee County, it was estimated that 293 employment opportunities would become available. This included an increase in jobs connected with the resort complex and ancillary enterprises plus 126 additional positions connected with the proposed Visitors Destination Center and the Co-op Store (pp. 5-6).

10. Ernst and Ernst, Follow-up Technical Assistance--Menominee County Wisconsin Contract #8-35245 as amended, Economic Development Administration, U.S. Department of Commerce, November, 1972, pp. 19-20.

11. Economic Development Administration Project # 06-1-00653.

12. Ernst and Ernst, Follow-up Technical Assistance, p. 21.

13. Ibid, p. 15.

14. In 1968, the hunting and fishing rights of the Menominee Indians were affirmed by the U.S. Supreme Court. The court ruled that the Termination Act did not impair the Menominee's hunting and fishing rights. However, the court reserved any decision on the issue of who holds these rights. Ref. Menominee Tribe of Indians v. United States, 391 U.S. 404 (1968).

15. Charges were brought by DNR against the Isaacson firm for illegally diverting water, but in July 1969, DNR charged that the Isaacson firm violated conservation regulation by illegally removing topsoil. The following January, DNR dropped these charges.

16. According to the Green Bay Press Gazette article of October 19, 1970, on "Indian Singer Leads Protest", one out of every 5 demonstrators was Indian.

17. "Menominee Official Critical of Judicare", The Milwaukee Journal, September 13, 1970; "Kenote Criticizes DRUMS, Calls for 'Plain Talk'", Green Bay Press Gazette, March 13, 1971.

18. "Lake Lot Sales Fall, Indians Told", The Milwaukee Journal, October 18, 1970.

19. "Tribe Vote on Stock Issue, Voting Trust Set April 3rd", Shawano Evening Leader, January 30, 1971.

20. "Demonstrators Hinder Cars on Highway in Keshena; Throw Rocks, Mud, Clubs", Shawano Evening Leader, May 30, 1972.

21. Suits against the dam were brought in 2 separate actions. Both are scheduled for argument before Wisconsin Supreme Court in June, 1973.

22. Portions of the dissolution agreement are being disputed, but they are scheduled to be settled by arbitration.

23. In accordance with the termination plan, 163,500 (50%) of MEI stock would have to have been cast for elimination of the Trust. However, the circuit court ruled that certain shares of stock would have to be excluded when determining what constituted 50% of the stock. This included stock held by the Enterprises, stock of deceased shareholders whose estates were without a personal representative or executor and that stock held by shareholders who were not traceable.

24. First Wisconsin voting power was disproportionate to the number of shares it held because only a small percentage of Menominees cast their shares.

25. "Indian Rips Trust Fees", The Milwaukee Journal, December 16, 1971.

26. "Menominee Vote to Test Feeling on Tribe Future", The Capital Times, November 26, 1971.

27. On each full MEI 4% income bond an annual dividend of $120 is paid. First Wisconsin deducted $21 from each dividend check. No interest is paid on MEI stock.

28. "Trust Uses Indian Funds for Lawyers", The Milwaukee Journal, December 12, 1971.

29. "DRUMS Official Says Trustees Make Money", Wisconsin State Journal, December 17, 1971; "Menominees Charged $214,380 in Fees", Capital Times, December 16, 1971.

30. National Committee to Save the Menominee People and Forests, Freedom With Reservation-The Menominee Struggle to Save Their Land and People, (Ed. Deborah Shames) p. 93.

31. Under the provisions of the restoration bill those lands owned by non-Menominees on Legend, Moshawquit and LaMotte Lakes would not be returned to a trust status. Land held by Menominees can be transferred back to a trust status but this is not mandatory.

32. The MCEC later joined in this lawsuit.

33. In May, 1971, a Menominee County "community" school was in operation. However, the sole function of the school has been to help high school dropouts prepare for the High School Equivalency Test.

34. "White Parents Delegation Voices Concern Over School Threats, Beatings", Shawano Evening Leader, April 18, 1972.

35. Department of Public Instruction, Menominee County K-12 Impact Study, July 1, 1972, p. 95.

36. Ibid p. 96

37. At the May 19, 1972, meeting of the MISC, MEI was requested to conduct a referendum on the extension of the Wolf River lease. The Menominees approved the extension by a vote of 53,174.030 shares for, to 9,937.02 shares against, the lease.

38. The MISC approved for introduction S. B. 129. Substitute Amendment 1 to S. B. 129 was introduced by the Senate Committee on Health, Education and Welfare at the request of Senator LaFave as MISC Chairman and the Great Lakes Inter-Tribal Council. The substitute amendment, which is a far more comprehensive bill than the original version, has not yet been presented to the full MISC Committee for approval.

39. MEI was requested by the MISC at its May 19, 1972, meeting to conduct a referendum on the stock moratorium. The Menominees cast 54,450.60 shares for, to 7,999.34 shares against, the extension of the moratorium.

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